

Notice of Agency Rulemaking Proposal

AGENCY: DHHS Maine Center for Disease Control and Prevention

CHAPTER NUMBER AND TITLE: Ch. 264 - Immunization Requirements For Healthcare Workers

TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*): 2020-P198 (2nd publication)

BRIEF SUMMARY: The Department is proposing routine technical rule changes to amend 10-144 CMR chapter 264, Immunization for Healthcare Workers to update exemption requirements following recent law changes; update the definition section to add *public health threat* and *extreme public health emergency* and revise *Intermediate Care Facility for the Mentally Retarded (ICF/MR)* to reflect *Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)*, aligning with CMS language; remove H1N1 2009-10 immunization requirements; and add seasonal influenza to the list of vaccine preventable diseases for which designated healthcare facility employees must show proof of immunization or documented immunity, or provide appropriate exemption documentation. Rule changes are proposed to clarify the Department's authority to impose control measures due to a public health emergency or an extreme public health emergency, including, but not limited to, requiring vaccinations and exclusions from the workplace to protect public health and minimize the impact from the specific notifiable communicable disease by reducing the potential disease spread by healthcare workers.

Date, time and location of PUBLIC HEARING: 9:00 a.m.- 12:00 noon; Monday, November 23, 2020

Hearings conducted during the State of Emergency will be virtual via Zoom. (1 MRS §403-A; 2020 PL c. 617.)

Zoom Meeting link: <https://mainestate.zoom.us/join/98560684>

Meeting ID: 889 9856 0684

Password: M@ineCDC1

Some devices may require downloading a free app from Zoom prior to joining the public hearing event. The Department requests that any individual requiring special arrangements to attend the hearing contact the person listed for this filing 5 days in advance of the hearing.

COMMENT DEADLINE: 5:00 p.m. on Thursday, December 3, 2020

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*): Bridget Bagley; 286 Water Street, 11 State House Station, Augusta, ME, 04333-0011; Tel: 287-9394 or 711 (TTY); Fax: 287-2887; Email: bridget.bagley@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*):

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §802(3)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*):

AGENCY WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: tera.pare@maine.gov